

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

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FAX RECEIVED

AUG 13 2002

GROUP 1600

TO: Assistant Commissioner for Patents

FROM: Steve Callistein

RE: Our Case No. 1324
Application No.: 09/758,858

DATE: 8/12/02

FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 16

COMMENTS:

Please find attached the following documents:
Transmittal Letter (2 pages)
Amendment and Request for Reconsideration . . . (13 pages)
ATTC letter (1page)

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached was transmitted via facsimile transmission to TC1600, via facsimile number (703) 872-9306, on this 12th day of August, 2002.

Steve Callistein
Steve Callistein
8/12/02
Date

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AUG 13 2002

GROUP 1600

Attorney Docket No. 1324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark David Hoffbeck Date: August 12, 2002
Serial No.: 09/758,858 Group Art Unit: 1638
Filed January 11, 2001 Examiner: David T. Fox
For: "INBRED MAIZE LINE PH6WR"

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Enclosed herewith is an Amendment and Request for Reconsideration Under 37 CFR §. 1.111 to Office Action Mailed March 12, 2002

Applicant(s) hereby petition for an extension of time for response from the date of the Examiner's action as needed, the fee being as follows:

<input type="checkbox"/>	reply within one month	\$ 110.00
<input checked="" type="checkbox"/>	reply within second month	\$ 400.00
<input type="checkbox"/>	reply within third month	\$ 920.00
<input type="checkbox"/>	reply within fourth month	\$1,440.00
<input type="checkbox"/>	reply within fifth month	\$1,960.00

Charge \$400.00 to Deposit Account No. 16-1852. A duplicate copy of this sheet is enclosed.

08/23/2002 SWILLIAM 00000001 161852 09758858

Please charge any additional fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852.

01 FC:216

400.00 CH

Serial No.: 09/758,858
Group Art Unit: 1638

Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Respectfully submitted,
Mark David Hoffbeck

By Steve Callistein
Steve Callistein
Attorney for Applicant
Registration No. 43,525

Pioneer Hi-Bred International, Inc.
7100 NW 62nd Avenue
PO Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 253-2823
Facsimile(515)334-6883

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached was transmitted via facsimile transmission to TC1600, via facsimile number (703) 872-9306, on this 12th day of August, 2002.

Steve Callistein
Steve Callistein

8/12/02

Date

Case No. 1324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark David Hoffbeck

Art Unit: 1638

Serial No.: 09/758,858

Examiner: David T. Fox

Filed: January 11, 2001

For: INBRED MAIZE LINE PH6WR

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER
37 CFR § 1.111 TO OFFICE ACTION MAILED MARCH 12, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the office action mailed March 12, 2002, Applicant respectfully requests that the following amendments and remarks be considered and made of record.

It is submitted that the amendments to the claims place them in condition for allowance and present no new matter.

IN THE SPECIFICATION

At page 44 of the original application, lines 2 – 21, following "Deposits", please delete the entire paragraph and insert the following:

Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line PH6WR with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. PTA-4436. The seeds deposited with the ATCC on June 4, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800

1324

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Kim M. Hagemann
7100 NW 62nd Avenue
PO BOX 1000
Johnston, IA 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

June 4, 2002

Scientific Description**Depositor's Reference****Patent Deposit Designation**

Inbred corn (maize) seed, Source C1VTU11137 CLN

PH6WR-1384

PTA-4436

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested June 10, 2002 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: June 18, 2002

Received from <515 334 6883> at 8/12/02 3:45:55 PM [Eastern Daylight Time]